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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,345	09/25/2003	Valerie Walker	1456-3/MBE	6610
38735	7590	06/27/2006	EXAMINER	
DIMOCK STRATTON LLP 20 QUEEN STREET WEST SUITE 3202, BOX 102 TORONTO, ON M5H 3R3 CANADA			ROSSI, JESSICA	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,345

Applicant(s)

WALKER ET AL.

Examiner

Jessica L. Rossi

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/11/06, Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 4/11/06. Claims 1-19 are pending.

Election/Restrictions

2. Applicant's election without traverse of Group I, claims 1-7 and 11-16, in the reply filed on 4/11/06 is acknowledged.

Previous Rejections

3. The rejection of claims 1 and 11 under 35 USC 103(a) as being unpatentable over Calhoun (US 5589246) in view of Komura et al. (US 4440821), as set forth in paragraph 8 of the previous action, has been withdrawn in light of the fact that the secondary reference to Komura does not teach the concept of a first adhesive having a higher degree of adhesion to a material than a second adhesive (see Applicant's arguments last paragraph on p. 9-10).
4. The rejection of claims 1-7 under 35 USC 103(a) as being unpatentable over Simila (US 2003/0183332) in view of Komura et al., as set forth in paragraph 10 of the previous action, has been withdrawn in light of the fact that the secondary reference to Komura does not teach the concept of a first adhesive having a higher degree of adhesion to a material than a second adhesive (see Applicant's arguments last paragraph on p. 9-10).
5. The rejection of claims 1-7 under 35 USC 103(a) as being unpatentable over Ono (US 6909180) view of Komura et al., as set forth in paragraph 11 of the previous action, has been withdrawn in light of the fact that the secondary reference to Komura does not teach the concept of a first adhesive having a higher degree of adhesion to a material than a second adhesive (see Applicant's arguments last paragraph on p. 9-10).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 5-7, 11 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Krish et al. (US 6187432).

Krish teaches positioning a first material 102 on a work surface with an adhesion zone exposed, applying an anchoring adhesive 128 to the first material or a second material (release layer that is applied to first material after adhesives applied thereto or substrate that first material is applied to once release layer is removed) or to both to form a plurality of substantially isolated adhesive anchors separated by interstitial spaces (Figures 10 and 12; column 23, lines 22-37 and 54-57), applying a bonding adhesive 114 to the first material or to the second material or to both after the anchoring adhesive has gelled or cured (column 19, lines 3-7 and 21-23; note hot melt adhesives would begin to cool, and therefore gel or cure, immediately after being deposited onto first material while solvent-based adhesives would gel/cure upon drying, which takes place before bonding adhesive applied to first material, due to removal of the solvent), and adhering the first and second materials together whereby the anchoring adhesive has a relatively higher degree of adhesion to the first material or to the second material or to both than the bonding adhesive (column 8, lines 47-50; column 9, lines 20-23) and the bonding adhesive intrudes into the interstitial spaces and bonds to the adhesive anchors (Figures 10 and 12).

Art Unit: 1733

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-7 and 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Blatchford et al. (US 6461467).

Blatchford teaches positioning a first material 112/212/312 on a work surface with an adhesion zone exposed, applying an anchoring adhesive 120/220/320 to the first material or a second material (patient's skin or release layer that is applied to first material and then removed before application of first material to patient's skin) to form a plurality of substantially isolated adhesive anchors separated by interstitial spaces, applying a bonding adhesive 130/230/330 to the first material or to the second material or to both after the anchoring adhesive has gelled or cured (column 4, lines 33-67; one of several references incorporated by reference is US 4737410 which teaches a hot melt adhesive that would begin to cool, and therefore gel or cure, immediately after being deposited onto first material), and adhering the first and second materials together whereby the anchoring adhesive has a relatively higher degree of adhesion to the first material or to the second material or to both than the bonding adhesive (column 5, lines 49-62) and the bonding adhesive intrudes into the interstitial spaces and bonds to the adhesive anchors (Figures 3 and 4A-4B; column 8, lines 34-37).

Claim Rejections - 35 USC § 103

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 2-4 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krish et al. as applied to claims 1 and 11 above and further in view of Blatchford et al.

Krish teaches applying the anchoring adhesive using any of a variety of pattern coating techniques that can apply the pattern in a controlled or random pattern (column 18, lines 42-60; column 19, lines 15-18) but it is unclear as to whether the reference teaches using a screen. It would have been obvious to one having ordinary skill in the art to use a screen to apply the anchoring adhesive of Krish because such is a well known and conventional pattern coating technique for applying an adhesive to a material, as taught by Blatchford (column 8, lines 34-37; Figures 3 and 4A-4B).

12. Claims 1-7 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatchford et al. as applied to claims 1 and 11 above and further in view of Krish et al.

It is noted that Blatchford also incorporates by reference, at column 4 lines 43-44, US 3389827 which teaches that the adhesive can be a pressure-sensitive adhesive that gels or cures upon drying (column 2, lines 17-23). It is known in the art to apply a pressure sensitive anchoring adhesive to a first material to form a plurality of isolated adhesive anchors separated by interstitial spaces and then dry the anchoring adhesive to gel or cure the same before applying a bonding adhesive that intrudes into the interstitial spaces and bonds to the anchoring adhesive, as taught by Krish (column 19, lines 3-7 and see paragraph 7 above for complete discussion). Therefore, it would have been obvious to one having ordinary skill in the art to dry the anchoring

Art Unit: 1733

adhesive of Blatchford to gel or cure the same before applying the bonding adhesive because such is known in the art, as taught by Krish, where this allows the anchoring adhesive to retain its shape and maintain its position on the material during application of the bonding adhesive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JESSICA ROSSI
PRIMARY EXAMINER

